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Nelson explains CIA oversight bill

By SEN. GAYLORD NELSON

ON JUNE 3, 1980, the U.S. Senate passed, by a vote of 89-1, S. 2284, the Intelligence Oversight Act of 1980. I voted in favor of this legislation, which was endorsed by the American Civil Liberties Union and the Center for National Security Studies, because I believe that, if enacted into law, it will constitute a useful first step toward a rational policy concerning our intelligence agencies.

In 1975, Americans were appalled by the Final Report of the Senate Select Committee on Intelligence Activities (the "Church Committee"). That report revealed activities on the part of U.S. intelligence agencies which the committee considered "unworthy of a democracy and occasionally reminiscent of . . . totalitarian regimes."

However, since 1975, all attempts to write a comprehensive legislative "charter" for the intelligence agencies have failed. The reasons for this are obvious. Some members of Congress believe there should be virtually no restraints on the CIA and other intelligence agencies and that existing restraints established by executive order have hampered the effectiveness of intelligence activities,

while others maintain that the CIA is insufficiently constrained by existing law and that more stringent controls are needed.

THIS YEAR, after months of hearings on charter legislation before the Senate Select Committee on Intelligence Activities, both proponents and opponents of such legislation concluded that it would be impossible to pass charter legislation this year.

The Senate Select Committee then decided to unanimously report S. 2284, a bill with much more limited objectives. At the outset, it is important to note that this bill does not achieve the measure of control that I believe Congress can and must achieve over the behavior of our intelligence agencies. Much work

remains to be done. However, it ought to be remembered that the choice we faced was not between this legislation and a more extensive bill, but rather between this bill and no bill at all.

And, in its own right, S. 2284 is a balanced and intelligent piece of legislation. It would repeal the "Hughes-Ryan" Amendment of 1974, which requires that covert CIA activities be reported to as many as eight congressional committees.

IT WOULD REPLACE Hughes-Ryan with the following legal requirements: First, S. 2284 would require that the two permanent congressional committees on intelligence matters be kept "fully and currently informed" of all intelligence activities. Second, the two committees would have to be informed of "any significant anticipated activity." Third, the intelligence committees would have to be provided with any information they requested from any intelligence agencies.

Under extraordinary circumstances affecting the "vital interests of the United States," prior notice of intelligence activities could be limited to congressional leaders, with the full intelligence committees to be informed later.

The CIA and the other intelligence agencies are now subject to most of these requirements. However, these procedures were established by previous presidential executive orders, and executive orders can be revoked by future presidents. The American Civil Liberties Union and the Center for National Security Studies, who have justifiably concerned themselves with CIA abuses in the past, considered it important to write these necessary safeguards into the statute books, and I agree with them.

QUESTIONS WERE RAISED during debate on the bill concerning a provision in its preamble that would seem to direct the intelligence agencies to comply with the bill's reporting provisions only "to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods."

Though the bill's managers stated clearly that this provision constituted "a routine disclaimer" and was not intended to create a loophole affecting the bill's substantive reporting requirements, it does present at least potential dangers. However, the problems this provision may cause did not seem to me to outweigh the bill's substantial benefits.